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Attorney Docket No. 63049.001003
Attorney Customer No. 27682

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

Ronald D. BLUM

Serial No.: 10/626,973

Filing Date: July 25, 2003

Title: SYSTEM, APPARATUS AND
METHOD FOR CORRECTING
VISION USING AN
ELECTRO-ACTIVE LENS

Group Art Unit: 2873

Examiner: Jordan Marc Schwartz

Confirmation No: 3786

RESPONSE TRANSMITTAL LETTER

MAIL STOP AMENDMENT

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

Enclosed is a Response to Restriction Requirement under 37 C.F.R. § 121 to Office Action dated June 17, 2004 for the above-identified patent application.

☐ A petition for Extension of Time is also enclosed.

☐ Also enclosed is a _____

☐ A Request for Entry and Consideration of Submission under 37 C.F.R.
§ 1.129(a) is also enclosed.

☒ No additional claim fee is required.

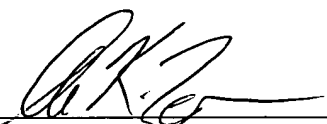
☐ An additional claim fee is required, and is calculated as shown below:

CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims		Minus =			
Independent Claims		Minus 3 =		x =	
If Amendment adds multiple dependent claims, add \$260.00					
Total Amendment Fee					
If small entity status is claimed, subtract 50% of Total Amendment Fee					0
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					

- ☐ Charge \$___ to Deposit Account No. _____ for the fee due.
☐ Check No. _____ in the amount of \$_____ enclosed for the fee due.
☒ A Certificate of Mailing Under 37 C.F.R. §1.8.
☒ Self-addressed stamped postcard.
☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §1.16, 1.17 and 1.21 that may be required by this paper to Deposit Account No. 08-3436.

Date: June 28, 2004

Respectfully submitted,

By: 
 Shawn K. Leppo
 Registration No.: 50,311

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ELECTRO-ACTIVE LENS

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

Mail Stop Amendment

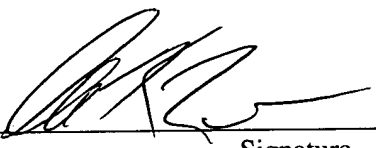
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service
with sufficient postage via First Class Mail addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on June 28, 2004.
Date



Signature
Jennifer L. Powell

Typed or printed name of person signing Certificate

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Documents being submitted with this Certificate of Mailing include:

- 1) Response to Restriction Requirement under 35 U.S.C. § 121 to Office Action dated June 17, 2004
- 2) Response to Restriction Transmittal Letter
- 3) Self addressed stamped return postcard

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MAILSTOP AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT
UNDER 35 U.S.C. § 121

Sir:

The present communication is responsive to an Office Action mailed June 17, 2004 in the above-captioned application (the "Application") requiring a second restriction of the claims in view of Applicants' Amendment of April 15, 2004 filed in response to a first restriction of the claims mailed March 18, 2004.

Claims 1-12, 16-36 and 59-95 are currently pending in the Application. In the Office Action, it was asserted that the Application contains claims which are directed to two distinct inventions.

As a result, the Examiner issued a Restriction Requirement requiring the election of a single group of claims for prosecution. The claims, as grouped by the Examiner, appear as follows:

Group I: Claims 1-12, 16, 59-61, 71-85, and 89-95, drawn to a spectacle lens or vision correcting lens, classified in class 351, subclass 159.

Group II: Claims 17-36, 62-70, and 86-88. Claims 17-36 and 62-70 are drawn to an optical system for determining or quantifying error, classified in class 351, subclass 205. Claims 86-88 are grouped with the claims of Group II as the Examiner has indicated they could all be searched together without an undue burden on the Examiner.

Applicants elect the claims of Group I without traverse.

The Examiner has further indicated that both Groups I and II contain claims directed to patentably distinct species, and that upon election of a Group of claims for prosecution, the Applicants must elect a single disclosed species in the event no generic claim is finally held allowable. Currently no claim is generic.

As Applicants have elected the claims of Group I, Applicants elect the species identified by the Examiner of Group Ia, claims 1-12, 59, 71-85, and 89-90 directed to a species of spectacle lens or vision correcting lens wherein a portion of the refractive error correction is based upon a lens prescription determined by a wave front analysis and the vision correction area corrects non-conventional refractive error.

If the Examiner has any questions regarding the election of the claims of Group I or the elected species, the Examiner is invited to contact Applicants' undersigned representative for a telephone conference to resolve such questions in an expeditious manner.

Date: June 28, 2004

Respectfully submitted,



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DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fees due to our Deposit Account No. 08-3436
